

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
NORTHERN DIVISION**

STEVEN R. HASTINGS,  
ADC #171672

PLAINTIFF

v.

3:20-cv-00156-JM-JJV

JOHN SMITH, Corporal, ADC; *et al.*

DEFENDANTS

**ORDER**

The Court has reviewed the Recommendation submitted by United States Magistrate Judge Joe J. Volpe and Plaintiff's Motion to Amend Complaint<sup>1</sup>, Motion to Appoint Counsel, and Motion for Mental Health Examination. In his Motion to Amend, Plaintiff adds new allegations of false disciplinaries made against him by Sergeant Gary Queen, Corporal Kyle Lebouef, Sergeant Lonnie Brown, and Corporal Kaleb Oroz. He also alleges that Corporal Calvin Ramirez denied his phone and commissary privileges based upon these false disciplinaries and Angela West threw away Plaintiff's disciplinary appeals because they did not comply with prison procedure. Plaintiff claims that Darryl Golden, Chief Deputy Director Reed Marshall and Director Dexter Payne affirmed false disciplinaries. Plaintiff claims that these defendants caused him to lose good time credits, classification and privileges.

As Judge Volpe explained in the Recommendation, prisoners do not have a liberty interest in maintaining a particular classification level or in keeping commissary, phone, or visitation privileges. As a result, Plaintiff has failed to plead a plausible § 1983 claim for relief. After conducting a *de novo* review, this Court adopts the Recommendation in its entirety as its findings in all respects.

---


<sup>1</sup> The Court deems Plaintiff's motion to amend to be objections to the Recommendation.

IT IS THEREFORE ORDERED that:

1. The Complaint (Doc. No. 2) is DISMISSED WITHOUT PREJUDICE for failure to state a claim upon which relief may be granted.
2. The Motion to Appoint Counsel (Doc. No. 5) is DENIED as moot.
3. The Motion to Amend Complaint (Doc. No. 6) is DENIED because it is futile.
4. The Motion for Mental Health Examination (Doc. No. 7) is DENIED.
2. Dismissal of this action is a “strike” for purposes of 28 U.S.C. § 1915(g).
3. It is certified, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal

from this Order and the accompanying Judgment would not be taken in good faith.

Dated this 7th day of July 2020.

  
UNITED STATES DISTRICT JUDGE